IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7154 of 2005

Between:

1 Palla Poli Naidu, S/o. Venkaiah,
R/o. Ramajogipet, Visakhapatnam District.
2 Palla Ramachandra Rao, S/o. Palla Appla Narasaiah,
R/o. Ramajogipet, Visakhapatnam District.
3 Palla Venugopal Rao, S/o. Late Appa Rao,
R/o. Ramajogipet, Visakhapatnam District.
4 Palla Suryaprakash Rao, S/o. late Appalanarasaiah,
R/o. Ramajogipet, Visakhapatnam District.
5 Palla Ramana Murthy, S/o. Late Appa Rao,
R/o. Ramajogipet, Visakhapatnam District.
6 Palla Viswanadham, S/o. Late Appa Rao,
R/o. Ramajogipet, Visakhapatnam District.
7 Palla Satyanarayana, S/o. Late Appala Narsaiah,
R/o. Ramajogipet, Visakhapatnam District.
8 Palla Ranganayakulu, s/o. Late Venkaiah,
R/o. Ramajogipet, Visakhapatnam District.
9 Palla Srinivasa Rao, S/o. Late Atchuthanarayana,
R/o. Ramajogipet, Visakhapatnam District.
10 Palla Muralidhar Rao, S/o. Late Atchuthanarayana,
R/o. Ramajogipet, Visakhapatnam District.
11 Palla Madhusudhan Rao, S/o. Late Atchuthanarayana,
R/o. Ramajogipet, Visakhapatnam District.
12 Palla Tirumala Rao, S/o. Late Appa Rao,
R/o. Ramajogipet, Visakhapatnam District.
13 Palla Krishna Murthy, S/o. Late Appa Rao,
R/o. Ramajogipet, Visakhapatnam District.
14 Palla Vasudeva Das, S/o. late Venkata Rao,
R/o. Ramajogipet, Visakhapatnam District.
15 Palla Venkata Rao, S/o. Late Venkaiah,
R/o. Ramajogipet, Visakhapatnam District.

..... PETITIONERS

AND

1 Govt of A.P., rep. by its Principal Secretary, Secretariat,

Hyderabad.
2 The Director of Settlements, A.P. Hyderabad.
3 The District Collector, Visakhapatnam,Visakhapatnam District.
4 The Visakhapatnam Urban Development Authority, rep. by its Vice Chairman, Visakdhapatnam, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in seeking to assign the lands and evict the petitioners from the land admeasuring Ac. 32.00 cents in Survey No. 346/2 to 346/7 and 346/9 situated at Yegubva Thimmapuram Village Madhuravada, Visakhapatnam Rural mandal, Visakhapatnam District regarding with the settlement officer has already granted pattas and Appeal is pending before the 2nd respondent as arbitrary illegal and without jurisdiction and consequently direct the respondents not to evict the petitioners from the above lands.

Counsel for the Petitioner:MR.RAMA RAO GHANTA

Counsel for the Respondent Nos.1 to 3 : GP FOR REVENUE

Counsel for the Respondent No.4 : Smt.V.Preethi Reddy (SC FOR VISAKHAPATNAM MUNICIPALITY).

The Court, at the stage of admission, made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.7154 OF 2005

ORDER :

The writ petitioners 15 in number claim to be in occupation of the land admeasuring 32 acres situated in Sy.Nos.346/2 to 346/7 and 346/9 situated at Yeguva Thimmapuram Village, Madhuravada, Visakhapatnam Rural Mandal, Visakhapatnam District. It is stated that the petitioners and their family members have been in possession and enjoyment of the said land since more than six decades and their ancestors by name Palla Venkayya was issued a patta by erstwhile Zamindar. It is stated that the petitioners initiated proceedings under Section 11-A of the Estates Abolition Act, 1948. Though the petition was initially dismissed, ultimately the Commissioner of Appeals allowed the petition by order

dated 27-4-2002 and the matter was remanded to the Joint Collector and Settlement Officer, Visakhapatnam for de novo enquiry. Thereafter, having considered the entire material on record, the Joint Collector and Settlement Officer by order dated 17-9-2004 held that the writ petitioners are entitled for ryotwari patta only to an extent of 19.65 cents and in respect of the remaining Ac.12.35 cents their claim was disallowed. Aggrieved by the said order, the Mandal Revenue Officer filed a Revision before the second respondent – The Director of Settlements, A.P., Hyderabad which is numbered as R.P.No.33/2004/VSP/D2 in which by order dated 24-9-2004 the second respondent stayed the operation of the order dated 17-9-2004 pending Revision Petition. The petitioners state that they have also filed an appeal before the second respondent against the order dated 17-9-2004 to the extent of rejecting their claim for patta to an extent of Ac.12.35 cents. However, while the proceedings are still pending before the second respondent, the respondents have been taking steps to evict the petitioners from the land in question and to assign the same to the third parties. It is alleged that on 21-03-2005 the officials of the 4th respondent came to the land in question and made an attempt to dispossess the petitioners. Hence, this writ petition seeking a Writ of Mandamus declaring the action of the respondents in seeking to assign the lands and to evict the petitioners while the appeal is pending before the second respondent as arbitrary and illegal.

The petitioners contend that by virtue of the Government Memo dated 17-7-1980 wherever the claim of ryotwari pattas under Estates Abolition Act are pending, no assignment should be made pending disposal of such claims and the claimants shall not be evicted from the lands in question. Thus, according to the petitioners, the alleged action of the respondents is arbitrary and illegal.

I have heard the learned Counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents.

As can be seen from the material on record, the order of the Joint Collector and Settlement Officer, Visakhapatnam dated 17-9-2004 has not yet attained finality. Admittedly, against the said order, Revision Petition filed by the Mandal Revenue Officer, Visakhapatnam as well as cross-objections filed by the petitioners are still

pending. Since the Statutory Revision as well as Cross-objections filed by the petitioners are still pending, I deem it appropriate to protect the possession of the petitioners till such proceedings are concluded. Having regard to the facts and circumstances of the case, I also deem it necessary to direct expeditious disposal of the proceedings pending before the 2nd respondent.

Accordingly, the Writ Petition is disposed of with a direction to the second respondent – Director of Settlements, A.P., Hyderabad to dispose of the Revision Petition in R.P.No.33/2004/VSP/D2 filed by the Mandal Revenue Officer, Visakhapatnam and the Cross-objections filed by the petitioners against the order of the Joint Collector, Visakhapatnam, dated 17-9-2004, as expeditiously as possible preferably within a period of six weeks from the date of receipt of this order. Till the Revision Petition and the Cross-objections are disposed of, Status Quo obtaining as on today as to the nature and possession of the land admeasuring Ac.32.00 cents in Sy.Nos.346/2 to 346/7 and 346/9 situated at Yeguva Thimmapuram Villadge, Madhuravada, Visakhapatnam Rural Mandal, Visakhapatnam District shall be maintained. No costs.

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01st April, 2005.

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To

1 The Principal Secretary , Govt of A.P., Secretariat,
Hyderabad.
2 The Director of Settlements, A.P. Hyderabad.
3 The District Collector, Visakhapatnam,Visakhapatnam
District.
4 The Vice Chairman, Visakhapatnam Urban Development Authority,

Visakdhapatnam, Visakhapatnam District.

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6 1 CC to MR.RAMA RAO GHANTA.